

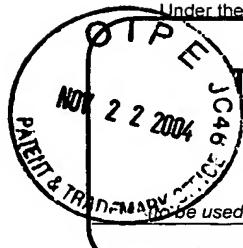
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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(Use for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/737,108
Filing Date	December 15, 2003
First Named Inventor	Ashok C. Khandkar
Art Unit	3738
Examiner Name	Blanco, J.G.
Attorney Docket Number	43662-Amedica

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address	
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	KELLY LOWRY & KELLEY, LLP		
Signature			
Printed name	Aaron T. Borrowman		
Date	11/19/2004	Reg. No.	42,348

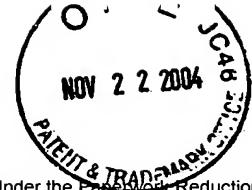
CERTIFICATE OF TRANSMISSION/MAILING

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Signature			
Typed or printed name	Aaron T. Borrowman	Date	11/19/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)-0-

Complete if Known

Application Number	10/737,108
Filing Date	December 15, 2004
First Named Inventor	Ashok C. Khandkar
Examiner Name	Blanco, J.G.
Art Unit	3738
Attorney Docket No.	43662-Amedica

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

 Deposit Account:

Deposit Account Number	
Deposit Account Name	

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)		(\$)-0-	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
25	3		53	= -0-	x 9 = -0-
			4	= -0-	x 44 = -0-

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$)-0-

**or number previously paid, if greater. For Reissues, see above.

3. ADDITIONAL FEES

Large Entity

Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1051 130	2051 65	2051 65	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	2052 25	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	2053 130	2053 130	Non-English specification	
1812 2,520	1812 2,520	1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	2251 55	2251 55	Extension for reply within first month	
1252 420	2252 210	2252 210	2252 210	Extension for reply within second month	
1253 950	2253 475	2253 475	2253 475	Extension for reply within third month	
1254 1,480	2254 740	2254 740	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	2255 1,005	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	2401 165	2401 165	Notice of Appeal	
1402 330	2402 165	2402 165	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	2403 145	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	2452 55	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	2453 665	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	2501 665	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	2502 240	2502 240	Design issue fee	
1503 640	2503 320	2503 320	2503 320	Plant issue fee	
1460 130	1460 130	1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	2809 385	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	2810 385	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	2801 385	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)-0-

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Aaron T. Borrowman	Registration No. (Attorney/Agent)	42,348	Telephone	818-347-7900
Signature				Date	11/19/2004

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Aaron T. Borrowman, Reg. No. 42,348

November 19, 2004

Date



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	Group Art Unit: 3738
Ashok C. Khandkar, et al)	Examiner: Blanco, J.G.
Serial No. 10/737,108)	
Filed: December 15, 2003)	Docket No. 43662-Amedica
For: TOTAL DISC IMPLANT)	

RESPONSE

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to an Office Action dated August 23, 2004, the following is submitted:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Amendments to the Drawings begin on page 12 of this paper and include an attached replacement sheet.

Remarks/Arguments begin on page 13 of this paper.

AMEDICA-43662
SN 10/737,108
RESPONSE2